

§13-250-5 Definitions. ***

“Barge” means a non-self-propelled, generally large, flat-bottomed vessel.***

[Eff 2/24/94; am 9/10/01; am 4/27/02; am OCT 19 2002] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

"§13-256-50 Definition. The "South Shore Kauai Ocean Recreation Management Area" means all waters of the State from Lae Niau located at the north boundary of Kealia Beach, Kauai, Hawaii, to the west boundary of Salt Pond Beach Park, Hanapepe, Kauai, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "G", "South Shore Kauai, Hawaii," dated February 27, 1998, located at the end of this subchapter." [Eff 2/24/94; am OCT 19 2002] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

"§13-256-56 Wailua River restricted area. (a) Restrictions described in this section shall not apply to department vessels, department personnel or emergency, patrol or rescue craft while performing official duties.

(b) The Wailua River restricted area means the navigable waters of the Wailua River, Kauai, as defined by the boundaries as shown on Exhibit "L", titled, "Island of Kauai, Wailua River Restricted Area," dated February 27, 1998, and located at the end of this subchapter. The boundaries begin at a point at the high water mark at the mouth of the Wailua River and include all the navigable waters along the Wailua River in a westerly direction to the base of Kaholalele Falls on the north fork of the river and all of the navigable waters to the base of the Wailua Falls on the south fork of the river.

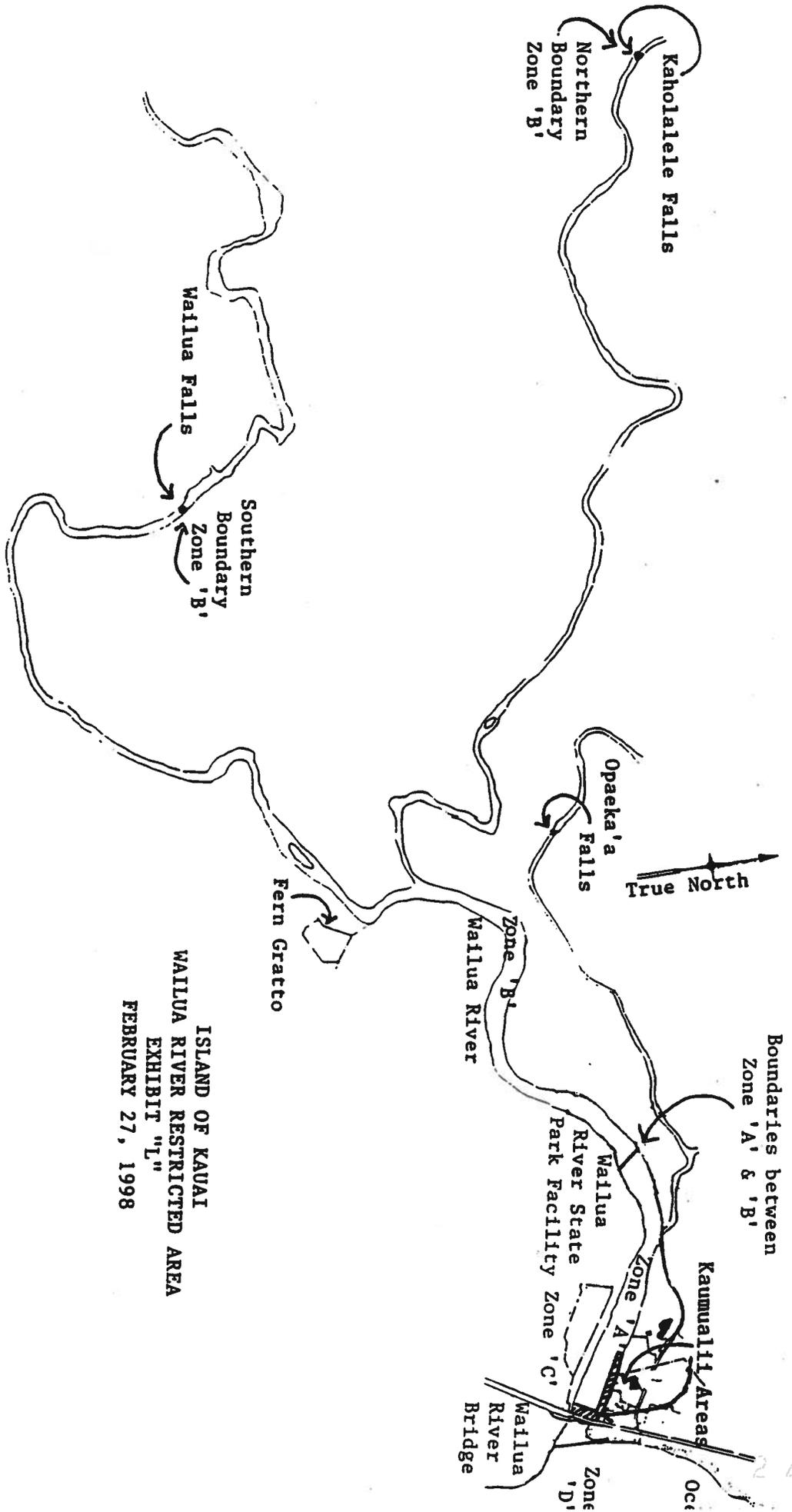
(c) The Wailua River restricted area shall be divided into four zones:

- (1) Zone 'A' includes all the navigable waters beginning fifty feet into the river from the western side of the Wailua River bridge and from seventy-five feet into the Wailua River from the north shoreline to a point approximately eighteen hundred feet along the shoreline, then extends from the banks of the north shoreline to approximately seven hundred and eighty-three yards upstream as indicated by navigational aids on both sides of the river designating the boundary between Zones 'A' and 'B', as shown on Exhibit "L-1", titled, "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter.
 - (2) Zone 'B' includes all waters extending approximately two miles upstream from the navigational aids on both sides of the river designating the boundary between Zones 'A' and 'B' to the base of Kaholalele Falls on the north fork of the river and approximately three and a half miles from the navigational aids designating the boundary between Zones 'A' and 'B' to the base of the Wailua Falls on the south fork of the river as shown on Exhibit "L", titled, "Island of Kauai, Wailua River Restricted Area," dated February 27, 1998, and located at the end of this subchapter.
 - (3) Zone 'C' includes the waters beginning at the west side of the Wailua River bridge between the north and south banks and extends fifty feet into the river, then proceeds along the north shoreline extending seventy-five feet into the Wailua River from the north shoreline to a point approximately eighteen hundred feet along the shoreline as shown on Exhibit "L-1", titled, "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter.
 - (4) Zone 'D' begins at the eastern boundary of Zone 'C' and extends under the Wailua River bridge between the north and south banks, extending to the shoreline.
- (d) General rules for Wailua River.
- (1) Only commercial and recreational vessels not exceeding twenty-one feet in length shall be allowed to utilize the Wailua River and shall be limited to:
 - (A) Vessels used for waterskiing;
 - (B) Motorized vessels, excluding thrill craft; and
 - (C) Manually-propelled vessels.
 - (2) Commercial barges, or vessels otherwise allowed by the department, shall be

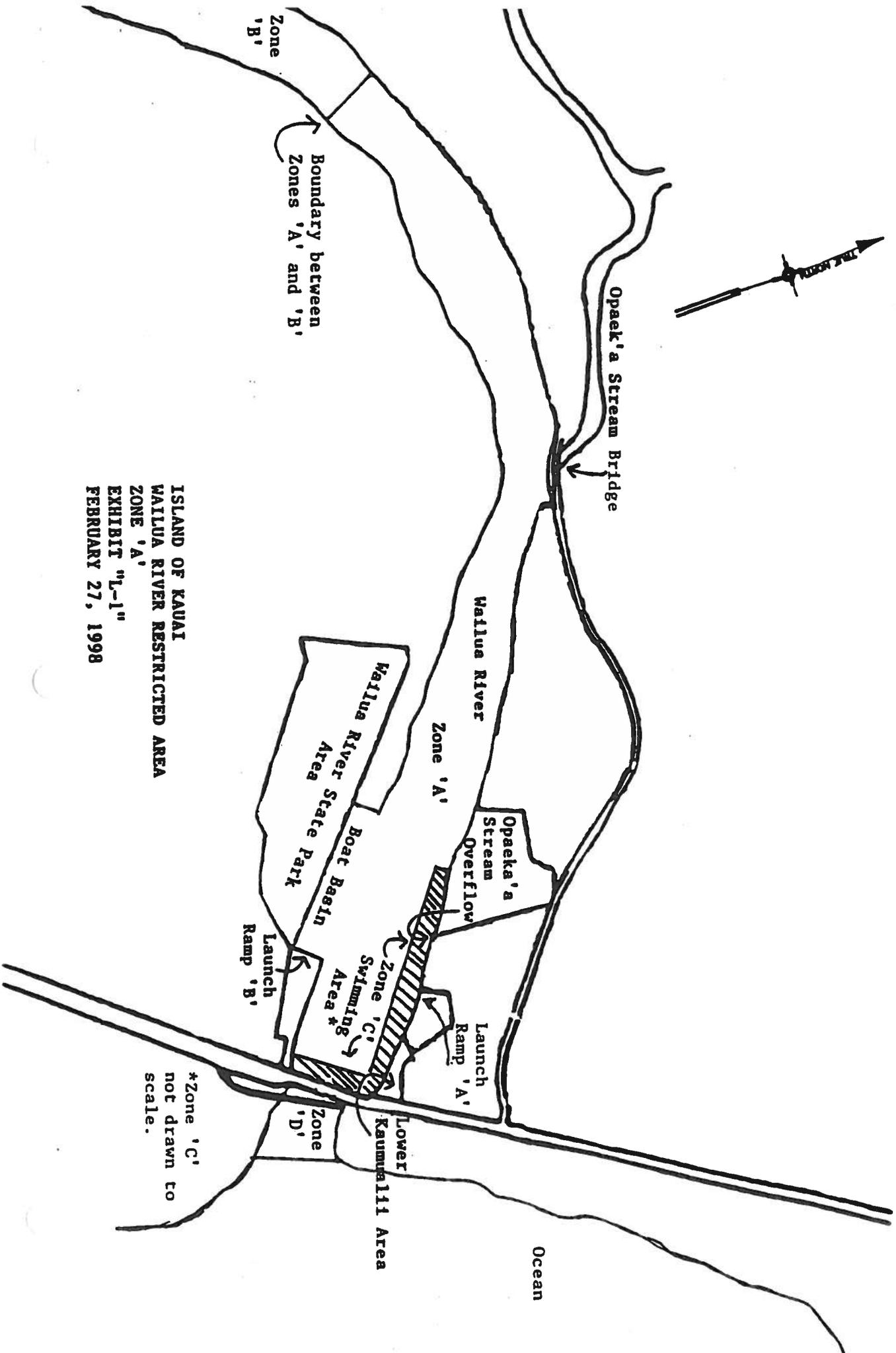
- exempt from vessel length restrictions described in paragraph (1).
- (3) Recreational motorized vessels, and recreational and rented manually-propelled vessels may utilize Zones 'A', 'B' and 'C' as provided for in this section.
 - (4) Zone 'C' shall be designated a swimming zone indicated by marker buoys. Motorized vessels launching from launch ramp 'A' shall proceed with caution while within Zone 'C'.
 - (5) All manually-propelled vessels shall be required to operate along side the northern river bank.
 - (6) All vessel operators shall possess a state park permit to embark or disembark along the shores only within the state park in Zone 'B'.
 - (e) Commercial vessel activity requirements for Wailua River.
 - (1) Unless otherwise provided by law, anyone conducting commercial activities on the Wailua River shall possess a valid commercial activity permit from the department.
 - (2) All individuals possessing a commercial activity permit to utilize the Wailua river as of June 11, 1999, may retain the commercial activity permit on the effective date of these rules.
 - (3) All available commercial activity permits may be issued in accordance with section 13-231-60.
 - (4) Reissuance of commercial activity permits shall be in accordance with section 13-231-61.
 - (5) Commercial barges, or vessels otherwise allowed by the department, may only utilize Zones 'A' and 'B'.
 - (6) All commercial vessel activity is prohibited from Zones 'C' and 'D'.
 - (7) Commercial waterskiing commercial activity permittees shall abide by the requirements described in subsection (g).
 - (8) Commercial manually-propelled vessel commercial activity permittees shall abide by the requirements described in subsection (f).
 - (f) Commercial manually-propelled vessel requirements for the Wailua River.
 - (1) Not more than fifteen manually-propelled vessel commercial activity permits, with a maximum of twelve vessels per commercial activity permit per day, and with a maximum of four guides per permit, may be issued for guided tours for the Wailua River.
 - (2) Not more than four manually-propelled vessel commercial activity permits, with a maximum of six vessels per commercial activity permit, may be issued for rented manually-propelled vessels for the Wailua River.
 - (3) In addition to the provisions in subsection (e)(1), manually-propelled vessel commercial activity permittees utilizing the Wailua River shall abide by the following:
 - (A) For guided tours, a minimum of one tour guide shall be required for each group of twelve people;
 - (B) Tour guides shall be required to wear a bright orange shirt with the company name printed on the shirt when guiding tours; and
 - (C) All commercial manually-propelled vessels permittees shall be provided a Wailua River restricted area decal for each commercial manually-propelled

vessel and shall be required to display it on the bow of the vessel.

- (g) Waterskiing activity requirements for the Wailua River.
- (1) Waterskiing may be conducted in Zone 'A' in an area designated by the department, as shown in Exhibit "L-1", titled "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter, and shall be prohibited in Zone 'C'.
- (2) Waterskiing may be conducted in Zone 'B' only between sunrise to 9:00 a.m. and from 5:00 p.m. to sunset.
- (3) A maximum of one commercial activity permit may be issued for waterskiing activities.
- (4) The vessel towing water skiers may tow not more than one person at any one time.
- (5) Waterskiing shall be conducted in accordance with section 13-244-18.
- (6) Waterskiing activities shall be exempt from the speed restrictions of section 13-244-9.
- (7) Waterskiing vessel traffic patterns shall be in a counter-clockwise direction.
- (8) Waterskiing tow ropes shall not exceed seventy-five feet in length.
- (9) Vessels engaged in waterskiing activities shall not exceed a speed of thirty-six miles per hour.
- (10) The only water water towing apparatus allowed shall be those equipped with boots, straps, or a leash on the board or ski.
- (h) Launch ramp restrictions.
- (1) All commercial vessels are prohibited from utilizing Launch ramp 'A', as shown in Exhibit "L-1", titled "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter, and shall be required to utilize Launch ramp 'B', as shown in Exhibit "L-1," titled "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter.
- (i) The eastern half of the lower Kaumualii area, as shown in Exhibit "L-1", titled "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter, shall be used exclusively for the launching and recovery of Hawaiian outrigger canoes.
- (j) The western half of the lower Kaumualii area, as shown in Exhibit "L-1", titled "Island of Kauai, Wailua River Restricted Area, Zone 'A'," dated February 27, 1998, and located at the end of this subchapter, may be utilized by recreational vessels, other than Hawaiian outrigger canoes, allowed on Wailua River. " [Eff **OCT 19 2002**] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)



ISLAND OF KAUAI
 WAILUA RIVER RESTRICTED AREA
 EXHIBIT "L"
 FEBRUARY 27, 1998



ISLAND OF KAUAI
 WAILUA RIVER RESTRICTED AREA
 ZONE 'A'
 EXHIBIT "L-1"
 FEBRUARY 27, 1998

*Zone 'C'
 not drawn to
 scale.